



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

Mail Code 501-02A

P.O. Box 420

Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

AUG 05 2014

Barry Tobias
13559 Morocco Lake Lane
Delray Beach, FL 33446

RE: Letter of Interpretation: Presence/Absence Determination
File No.: 2105-04-0002.1
Activity Number: FWW140001
Block: 58 Lot: 1
Franklin Township, Warren County

Dear Mr. Tobias:

This letter is in response to your request for a Letter of Interpretation from the Division of Land Use Regulation indicating the presence or absence of freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by the staff of the Department on July 15, 2014, the Division of Land Use Regulation has determined that **freshwater wetlands and waters are not present** on the referenced property. In addition, the Department has determined **that no part of the above referenced property occurs within a transition area or buffer** as designated in N.J.A.C. 7:7A-2.5(d) and (e).

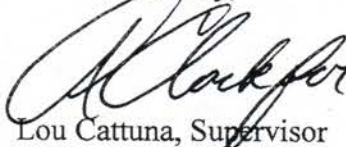
However, a **Riparian Zone** is present onsite and any proposed activities may be regulated under the Flood Hazard Area Protection Act Rules. Please refer to N.J.A.C. 7:13 for information on regulated activities within Flood Hazard Areas and Riparian Zones and applying for a Flood Hazard Area Verification and/or permit.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter. This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have been conducted on this site. This determination does not affect your responsibility to obtain any State, Federal, county or municipal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist which can be downloaded at www.state.nj.us/dep/landuse/forms. The DEP bulletin is available through the Department's website at www.state.nj.us/dep/bulletin.

Please contact Danielle Mullen of our staff by e-mail at Danielle.Mullen@dep.nj.gov or (609) 633-6563 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Lou Cattuna, Supervisor
Division of Land Use Regulation

c: Franklin Township Clerk
Franklin Township Construction Official
Agent, Edward Kuc